



GAU 3652  
JFW

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fridolin STORCHLI et al.

Date: July 27, 2004

Serial No.: 10/069,097

Group Art Unit: 3652

Filed: May 8, 2004

Examiner: Thomas J. Brahan

For: DEPOT AND METHOD FOR OPERATING A DEPOT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

Responsive to the Communication mailed July 15, 2004, in addition to electing Group I, claims 33-55, Applicant elects Species I, shown in Figs. 2 and 3. It is noted that the distinguishing feature of that species is the entrance and exit being at the same side of the apparatus. Applicant submits that claims 35-38, 42-53, of the claims submitted in the Amendment filed April 4, 2004, which are the remaining Group I claims, are generic, and that claim 39 reads on the elected species, whereas claim 40 and 41 do not read on the elected species. Therefore, Applicants elects claims 35-39 and 42-53 for examination. Applicants had designated a species in the Amendment of April 4, 2004, but not the claims readable on that species. It is submitted that Applicant has now complied with the Restriction Requirement.

Applicant has supplied the response within one month of the mailing date of the Office letter and no extension fee is filed.

Claim 70 is not an elected claim, as it is a method claim that will fall into Group II. However, as noted in Applicant's previous communication, it is requested that claim 70 be considered along with the elected claims under the applicable PCT Rule 13.1 wherein method and the product that practices the method claims have unity of invention. In this case, the method would be operable primarily with the apparatus, and vice versa. That method claim

should be examined together with the elected product claims. This is consistent with the argument presented in the Amendment filed April 4, 2004.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 27, 2004:

Robert C. Faber

Name of applicant, assignee or  
Registered Representative

Signature

July 27, 2004

Date of Signature

Respectfully submitted,

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